

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

FILED

UNITED STATES OF AMERICA

v.

MICHAEL SMITHEY

FEB 03 2015
DAVID CREWS, CLERK
By 3:14-CR-089-A-A
Deputy

PLEA AGREEMENT

The United States Attorney hereby proposes to the Court a plea agreement to be filed in this cause under Rule 11(c) of the Federal Rules of Criminal Procedure. Defendant has read and fully understands this plea agreement and approves same, realizing that the plea agreement is subject to acceptance or rejection by the Court. The plea agreement is as follows:

1. **GUILTY PLEA:** The defendant agrees to plead guilty under oath to Count One of the Indictment, which charges knowingly making material false statements and reports for the purpose of influencing the action of the Federal Crop Insurance Corporation in connection with an insurance agreement, in violation of 18 U.S.C. § 1014, which carries maximum possible penalties of a \$1,000,000.00 fine, 30 years imprisonment, 5 years supervised release, and a special assessment of \$100.00.

2. **OTHER CHARGES:** The United States agrees not to charge the defendant with any other offenses arising from or related to the above conduct and to dismiss the remaining counts of the Indictment at the conclusion of sentencing on Count One.

3. **RESTITUTION:** The defendant understands that the Court may order restitution in accordance with the provisions of 18 U.S.C. § 3663 for all offenses committed and specifically agrees that restitution is not limited to the count of conviction.

4. **OTHER AUTHORITIES:** This agreement does not bind any prosecuting

authority of any state or any other federal district, nor does it bind the Attorney General of the United States with regard to any matter, criminal or civil, involving federal tax laws. Nor does this agreement bind the United States or any of its departments or agencies with regard to any civil or administrative actions or remedies.

5. VIOLATIONS OF THIS AGREEMENT: If defendant violates this agreement, all statements made pursuant hereto will be admissible against defendant, who hereby waives the provisions of Rule 11(f) of the Federal Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence. Defendant may also, in that event, be prosecuted for all federal offenses, including perjury and false statements relating to this plea agreement.

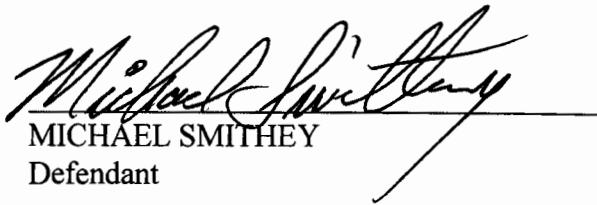
6. ACKNOWLEDGMENTS: Apart from being advised of the applicability of the U.S. Sentencing Guidelines, and other than as set forth elsewhere in the plea documents, no promise or representation whatsoever has been made to defendant as to what punishment the Court might impose if it accepts the plea of guilty. This agreement, together with the Plea Supplement filed herewith, fully reflects all promises, agreements, and understandings between the defendant and the United States Attorney. The defendant's agreement is knowing, free, and voluntary, and not the product of force, threat, or coercion. The defendant is pleading guilty because defendant is in fact guilty.

This the 12th day of January, 2014.

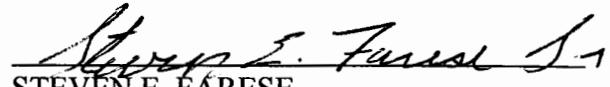


FELICIA C. ADAMS, MS Bar 1049
United States Attorney

AGREED AND CONSENTED TO:


MICHAEL SMITHEY
Defendant

APPROVED:


STEVEN E. FARESE
Attorney for Defendant